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September 17, 1974

## CONGRESSIONAL RECORD—SENATE

S 16729

The man who lost a leg cannot be given a second leg. The man who lost an arm cannot be given a second arm. The man who lost an eye cannot be given a second eye.

While draft evaders were living in fairly comfortable apartments in Sweden or Canada, hundreds of American prisoners of war were living away from their families and in miserable prison camps in North Vietnam.

It is idle to argue that those who evaded their responsibilities, and who now want to evade the penalty, were high-principled persons who obeyed their conscience. Those who truly act upon a principle ought also to be willing to take the consequences of their actions. Many young men who, in good conscience, violated the Selective Service laws, have served time in prison as a penalty for following their conscience. They did not flee the country; they stayed here and took the consequences.

Additionally, in accordance with our country's laws, persons who qualified for conscientious objector status, were granted that status and rendered service accordingly.

Many—or even most—of the 2½ million Americans who went to Vietnam likewise considered the war evil, as all wars are evil, but they still obeyed the laws of our country. It is unfair to those men who went to Vietnam, in obedience to their country's call, for our Government now to welcome back with only a slap on the wrist, those persons who ran out on their country when their time came to serve.

Moreover, in the stagnant economic situation in which we now find ourselves, the forgiven returning deserters might well be found to be replacing other civilian workers or even veterans, in scarce jobs as unemployment increases. This is no time, in my opinion, to be throwing additional unemployed persons onto the job market.

But the most compelling objection that I find to the pardon forgiveness program is twofold: The incalculable damage that it does to the morale of the thousands who served and the families of those who did not come back; and the threat that it poses to the proper operation of the Selective Service System in any future national emergency. If one can run off to Canada or Sweden, sit out a war, and come back at leisure, unscathed, to do a few months' alternate service—if this is to be the precedent and the pattern—then how can anyone expect the draft laws to operate effectively in the future when the security of the Nation could be at stake?

The basic issue is that of the citizen's obligation to his country—under any and all circumstances.

Compassion is important—in the right situation. But realism should be uppermost here. I do not believe that the President will be any more successful in his declared objective of binding up the Nation's wounds with his amnesty program than he was in his unconditional pardon for Mr. Nixon. Instead, fresh new controversy that the Nation does not need has been stirred, and it can only grow more intense. Instead of being put

behind us, Vietnam—like Watergate—has now been forced onto center stage again. And at this time, Mr. President, that can do our country no good.

TRAVEL EXPENSE AMENDMENTS  
ACT OF 1974

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1091, S. 3341.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 3341) to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of employees and other individuals traveling on official business, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations with an amendment to strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Travel Expense Amendments Act of 1974".

Sec. 2. (a) Section 5701 of title 5, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (5);

(2) by striking out the period at the end of subparagraph (6) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following:

"(7) 'high cost locality' means any geographic location within the continental United States designated by regulations prescribed under section 5707 of this title."

(b) Section 5702(c) of such title is amended to read as follows:

"(c) Under regulations prescribed under section 5707 of this title, the head of the agency concerned may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of the trip, not to exceed an amount named in the travel authorization, when the per diem allowance would be less than those expenses due to—

"(1) the unusual circumstances of the travel assignment, in which case the amount named in the travel authorization may not exceed—

"(A) \$50 for each day in a travel status inside the continental United States; or

"(B) the per diem allowance established under subsection (a) of this section plus \$23 for each day in a travel status outside the continental United States; or

"(2) a travel assignment to a high cost locality, in which case the amount named in the travel authorization may not exceed the daily amount provided in those regulations for that locality."

(c) Section 5707 of such title is amended—

(1) by striking out "Director of the Bureau of the Budget" and inserting in lieu thereof "Administrator of General Services";

(2) by inserting the subsection designation "(a)" at the beginning of the text thereof; and

(3) by adding at the end thereof the following new subsection:

"(b) The regulations prescribed by the Administrator shall include the designation of any high cost locality with respect to which the Administrator determines that the per diem allowance established under section 5702(a) of this title would be less than the

actual and necessary expenses incurred in traveling to that locality. The Administrator shall establish for each high cost locality, the daily amount (not to exceed \$50 for each day) that may be paid under section 5702(c) (2) of this title in traveling to that locality."

Sec. 3. (a) Section 5702(a) of title 5, United States Code, is amended to read as follows:

"(a) An employee, while traveling on official business away from his designated post of duty, is entitled to a per diem allowance. For travel inside the continental United States, the per diem allowance shall be \$35. For travel outside the continental United States, the per diem allowance may not exceed the rate established by the President or his designee for the locality where the travel is performed."

(b) Section 5703(c) of such title is amended by striking out "the per diem allowance may not exceed—

"(1) the rate of \$25"

and inserting in lieu thereof "the per diem allowance shall be—

"(1) \$35."

(c) Section 5703(d) of such title is amended—

(1) by striking out "much"; and

(2) by striking out "\$40" and "\$18" and inserting in lieu thereof "\$50" and "\$23", respectively.

(d) The seventh paragraph under the heading "ADMINISTRATION PROVISIONS" in the Senate appropriation in the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b), is amended by striking out "\$25" and "\$40" and inserting in lieu thereof "\$35" and "\$50", respectively.

Sec. 4. (a) Section 5704 of title 5, United States Code, is amended to read as follows:

"§ 5704. Mileage and related allowances

"(a) Except to the extent otherwise provided under this section, and under regulations prescribed under section 5707 of this title, an employee or other individual performing service for the Government, who is engaged on official business inside or outside his designated post of duty or place of service, is entitled to—

"(1) 9 cents a mile for the use of a privately owned motorcycle;

"(2) 16 cents a mile for the use of a privately owned automobile; or

"(3) 20 cents a mile for the use of a privately owned airplane;

instead of the actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of advantage is not required when payment on a mileage basis is limited to the cost of travel by common carrier including per diem.

"(b) In addition to the mileage allowance provided in accordance with the other provisions of this section, the employee or other individual performing service for the Government may be reimbursed for—

"(1) parking fees;

"(2) ferry fares;

"(3) bridge, road, and tunnel tolls; and

"(4) airplane landing and tiedown fees.

"(c) (1) The Administrator of General Services shall conduct a continuing investigation of the average, actual cost a mile, to the employee or other individual performing service for the Government who is engaged on official business inside or outside the designated post of duty or place of service, for the use of a privately owned motorcycle, automobile, and airplane. In conducting the investigation, the Administrator shall review and analyze the following:

"(A) depreciation of original vehicle cost;

"(B) gasoline and oil (excluding taxes);

"(C) maintenance, accessories, parts, and tires;

"(D) insurance; and

"(E) State and Federal taxes.

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The Administrator, in conducting such investigation, shall meet at least once every 3 months with representatives of the General Accounting Office, the Department of Transportation, the Department of Defense, and organizations of employees of the Government of the United States, and allow them to make their views personally known to him with respect to such average, actual cost.

"(2) Not later than January 10 and July 10 of each year, the Administrator shall determine, based upon the results of his continuing investigation with respect to the 6 full calendar months preceding the month in which the determination is made, specific figures, each rounded to the nearest one-half cent, of the average, actual cost a mile during that period for the use of a privately owned motorcycle, automobile, and airplane. The Administrator shall report such figures to Congress not later than 5 days after he makes his determination. Each such report shall also include a detailed description of the factors utilized in conducting the investigation during such 6-month period. Each such report shall be printed in the Federal Register. The cent figures contained in paragraphs (1), (2), and (3) of subsection (a) of this section, or any adjustments previously made thereto and in effect under this subsection, shall be adjusted, as of the first day of the first month following the submission of that report, to the figures so determined and reported by the Administrator. Those figures shall not be less than the figures in effect under subsection (a) of this section immediately after enactment of the Travel Expense Amendments Act of 1974. Those reported figures shall also be included as of such day in the regulations prescribed under section 5707 of this title.

"(d) The Comptroller General shall from time to time review the continuing investigation of the Administrator and make reports to Congress with respect to his review as he considers appropriate."

(b) The Administrator of General Services shall begin the continuous investigation referred to in subsection (a) of this section on that January 1 or July 1 which first occurs after the date of enactment of this Act.

Sec. 5. Section 506 of the Supplemental Appropriations Act (2 U.S.C. 58), is amended—

(1) by striking out of subsection (a) (8) "actual transportation expenses" and inserting in lieu thereof "travel expenses"; and

(2) by striking out subsection (e) and inserting in lieu thereof the following:

"(e) In accordance with regulations prescribed by the Committee on Rules and Administration, an employee in a Senator's office shall be reimbursed under this section for per diem and actual transportation expenses incurred, or actual travel expenses incurred, only for round trips made by the employee on official business by the nearest usual route between Washington, District of Columbia, and the home State of the Senator involved, and in traveling within that State (other than transportation expenses incurred by an employee assigned to a Senator's office within that State (1) while traveling in the general vicinity of such office, (2) pursuant to a change of assignment within such State, or (3) in commuting between home and office). However, an employee shall not be reimbursed for any per diem expenses or actual travel expenses (other than actual transportation expenses) for any travel occurring during the 120 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator, in whose office the employee is employed, is a candidate for public office. Reimbursement of per diem and actual travel expenses shall not exceed the rates established in accordance with the seventh paragraph under the head-

ing 'Administrative Provisions' in the Senate appropriation in the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b). No payment shall be made under this section to or on behalf of a newly appointed employee to travel to his place of employment."

Sec. 6. Any increases in expenses of per diem, travel, transportation, mileage, and subsistence incurred during fiscal year 1975 as the result of the enactment of this Act shall be absorbed by the departments, agencies, independent establishments, and other entities of the three branches of the United States Government and the government of the District of Columbia incurring such increases. No amounts shall be appropriated for fiscal year 1975 to pay for such increases.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

## AMNESTY FOR DRAFT DODGERS AND DESERTERS

Mr. HARRY F. BYRD, JR. Mr. President, a few moments ago the able Senator from West Virginia (Mr. ROBERT C. BYRD) made what I thought was an excellent statement to the Senate in regard to President Ford's clemency and amnesty proposals for Vietnam deserters and draft evaders.

I associate myself with the Senate speech by my friend and colleague from West Virginia. It seems to me that he reasoned the case well.

As he pointed out, compassion is a fine attribute, but realism in cases of such potential consequence is important also.

We are dealing with men, draft evaders and deserters, who deserted their Nation in time of war. They should be treated fairly, but their cases should be reviewed on a case-by-case basis, and those who deserted their units, those who refused to serve their country in time of war, should not be given just a light slap on the wrist or perhaps a few months in a comparatively easy job to make up for refusing to serve the Nation in war. It is a dangerous precedent for the future.

We must remember, I think, that 2.5 million Americans served in Vietnam. Most of them did not want to be there. Most of them would have preferred to be at home. Many of them even would have preferred the more desirable atmosphere of Canada or Sweden than the jungles of South Vietnam. But they answered the call of duty.

I think the Senator from West Virginia (Mr. ROBERT C. BYRD) has made an excellent statement, putting this matter in focus. I applaud his statement. I associate myself with it.

I feel that President Ford's proposal, as the Senator from West Virginia suggested, is not going to satisfy anyone. It will not satisfy those who feel that deserters and draft evaders should pay a reasonable penalty, and it will not satisfy those deserters and draft evaders who feel they should be welcomed home with open arms.

## MESSAGES FROM THE HOUSE

At 12:30 p.m., a message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 7135. An act to amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, with respect to the settlement of claims against the United States by members of the uniformed services and civilian officers and employees for damage to, or loss of, personal property incident to their service;

H.R. 7954. An act to direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the State of New York and to provide for the conveyance of certain interests in such lands so as to permit such State, subject to certain conditions, to sell such land;

H.R. 9588. An act for the relief of the city of Aransas Pass, Tex., and the Urban Renewal Agency of the city of Aransas Pass, Tex.;

H.R. 15173. An act to extend for one and one-half years the authority of the National Commission for the Review of Federal and State Laws on Wiretapping and Electronic Surveillance and for other purposes.

The message also announced that the House has passed the bill (S. 2362) granting the consent and approval of Congress to the Cumbres and Toltec Scenic Railroad Compact, with amendments in which it requests the concurrence of the Senate.

## ENROLLED BILL SIGNED

The message further announced that the Speaker has affixed his signature to the enrolled bill (S. 3052) to amend the Act of October 13, 1972.

(The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. HARRY F. BYRD, JR.).)

At 3 p.m., a message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 12000) to enable egg producers to establish, finance, and carry out a coordinated program of research, producer, and consumer education, and promotion to improve, maintain, and develop markets for eggs, egg products, spent fowl, and products of spent fowl.

The message also announced that the House insists upon its amendment to the bill (S. 3792) to amend and extend the Export Administration Act of 1969, disagreed to by the Senate; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. PATMAN, Mr. ASHLEY, Mr. REES, Mr. MITCHELL of Maryland, Mr. St GERMAIN, Mr. HANNA, Mr. KOCH, Mr. YOUNG of Georgia, Mr. MOAKLEY, Mr. WIDNALL, Mr. BLACKBURN, Mr.